

DETAILED ACTION
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 7, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by 2001 Ford Mustang Convertible.

The 2001 Ford Mustang Convertible has a roof which includes, in the closed state, a section of a transversely running roof strut on an area directly adjacent to the windshield frame that protrudes farther into the passenger compartment than the roof area lying behind it, as shown in the attachment. The section has a pair of large-area recesses that face the passenger compartment. Each recess is covered by a latch-actuating handle, see red arrow in attachment. The handle meets the limitation of a deformable covering in that the handle covers the recess and is inherently capable of deforming when subjected to a force greater than the strength of the material. In reference to claim 3, two coverable recesses are present, symmetric to a vertical longitudinal center plane of the vehicle, to provide a recess for the driver side latch handle and the passenger side latch handle. In reference to claim 6, the coverings lie on the section protruding into the passenger compartment in an area where a driver and/or passenger may have a head impact during a front collision based on seat position and size of the person. In reference to claim 7, locking parts of the latch can be mounted through the recesses to lock the roof strut to the windshield frame. In reference to

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claim 11, the vehicle has a movable vehicle roof. In reference to claim 12, the latch parts are safety catches in the form of hooks, as shown in the attachment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 2001 Ford Mustang Convertible.

The 2001 Ford Mustang Convertible does not disclose the claimed size of the surface of the covering.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the latch handles of the 2001 Ford Mustang Convertible with a surface area of 70 square centimeters facing the passenger compartment to enlarge the handles to provide a surface that is easier to grip.

Allowable Subject Matter

5. Claims 4, 5, and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 3/9/2010 have been fully considered but they are not persuasive. The applicant has argued that the handles of the 2001 Ford Mustang Convertible do not

meet the limitation of a deformable covering because an occupant would likely sustain an injury during impact. The claims do not require the coverings to deform without injuring an occupant. This claim would be allowable if this feature were claimed. The examiner suggests adding the phrase --the deformable covering can deform upon impact with a vehicle occupant without injuring the vehicle occupant—to the end of claim 1 to overcome the rejection.

7. The applicant has argued that it is not obvious to enlarge the handles of the convertible because Ford teaches away from enlarging the handles. The applicant has not provided any support for the statement that Ford teaches away from enlarging the handles. The applicant has argued that enlarging the handles would increase the likely hood of an occupant impacting the handle thus making the modification undesirable. The examiner disagrees because the handle can be extended along the transversely running roof strut or along the headliner without significantly decreasing the headroom of an occupant and significantly increasing the possibility of a serious head injury.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GLENN DAYOAN/
Supervisory Patent Examiner, Art Unit
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